

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ÁLYA CONSTRUTORA S.A.,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. _____
	)	
PDVSA PETROLEO S.A. and	)	
PETROLEOS DE VENEZUELA S.A.	)	
	)	
Respondents.	)	
_____	)	

**DECLARATION OF JOSÉ IGNACIO GARCÍA CUETO**

I, JOSÉ IGNACIO GARCÍA CUETO, declare and state as follows:

1. I am an attorney with the law firm Clifford Chance US LLP, counsel for the above-referenced Petitioner in an arbitration between Petitioner and Respondents captioned *ÁLYA CONSTRUTORA S.A. (formerly, CONSTRUTORA QUEIROZ GALVÃO S.A.) v. PDVSA PETROLEO S.A. and PETROLEOS DE VENEZUELA S.A. (ICC Case 24306/JPA/AJP)*. I have personal knowledge of the facts set forth herein. I submit this declaration in support of the Petition to Confirm Arbitral Award filed herewith.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Award issued in the Arbitration on July 25, 2023 ("Award"), with the corresponding English translation.

3. The Award was notified to Respondents on September 7, 2023.

Attached hereto as Exhibit 2 is an e-mail of the International Chamber of Commerce confirming the notification of the Award, with the corresponding English translation.

4. Attached hereto are true and correct copies of the following contracts entered into between Petitioner and PDVSA Petroleo S.A, pursuant to which the Arbitration was conducted (along with duly English translations): (i) the contract for the design, procurement and construction for the expansion of a gas compression plant in the State of Monagas, in Venezuela, dated November 27, 2014 ("PIGAP Contract"), attached hereto as Exhibit 3; (ii) the first amendment to the PIGAP Contract, dated July 28, 2015 ("Addendum No. 1 PIGAP"), attached hereto as Exhibit 4; (iii) the contract for the construction of two gas compression plants in the State of Monagas, Venezuela, dated January 24, 2017 ("Carito-Pirital Contract"<sup>1</sup>), attached hereto as Exhibit 5; (iv) the second amendment to the PIGAP Contract, dated July 14, 2017 ("Addendum No. 2 PIGAP"<sup>2</sup>), attached hereto as Exhibit 6; and (v) the amendment of the Carito-Pirital Contract, dated July 14, 2017 ("Addendum No. 1 Carito-Pirital"<sup>3</sup>), attached hereto as Exhibit 7.

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<sup>1</sup> Regarding the execution date of the Carito-Pirital Contract, note that this document only shows the month and year of its execution (*i.e.*, January 2017). However, the exact date of its execution was recognized by Álya Construtora S.A. (formerly, Construtora Queiroz Galvão S.A.) and PDVSA Petroleo S.A. through the Addendum No. 1 Carito-Pirital. *See* Addendum No. 1 Carito-Pirital, First Recital (**Exhibit 7**). Note that there was no disagreement between the parties to the arbitration regarding the execution date of the Carito-Pirital Contract. *See* Award, ¶¶ 137, 197, 219, 278 (**Exhibit 1**).

<sup>2</sup> Regarding the execution date of the Addendum No. 2 PIGAP, note that this document only shows the year of its execution (*i.e.*, 2017). However, there was no disagreement between the parties to the arbitration regarding the execution date of this document (*i.e.*, July 14, 2017). *See* Award, ¶ 139 (**Exhibit 1**).

<sup>3</sup> Regarding the execution date of the Addendum No. 1 Carito-Pirital, note that this document only shows the year of its execution (*i.e.*, 2017). However, there was no disagreement between the parties to the arbitration regarding the execution date of this document (*i.e.*, July 14, 2017). *See* Award, ¶ 139 (**Exhibit 1**).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: April 11, 2024

A handwritten signature in black ink, consisting of a stylized 'J' and 'G' intertwined, with a horizontal line crossing the 'J'.

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José Ignacio García Cueto